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ON THE
PROPOSED BOARD OF STATE
MEDICAL EXAMINERS.

BY
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*"Thou concludest like the sanctimonious pirate, who went to sea with the ten commandments,
but scratched one out of the table."*—MEASURE FOR MEASURE.

WITH AN APPENDIX.

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ON THE PROPOSED STATE BOARD OF MEDICAL EXAMINERS.

By JOHN H. PACKARD, M.D.,
OF PHILADELPHIA.

AT the meeting of this Society in 1886, there was laid before it by the Committee on Medical Legislation the draft of an "Act to establish a State Board of Medical Examiners and Licensers, and to define the Duties and Powers of such Board;" and measures were taken to enlist the support of the various county societies in an effort to obtain the passage of the Act by the State Legislature.

But, as the Committee reported at the meeting of last year, the bill "had not the insistent support necessary, in the fierce competition for legislative time and attention, to carry it to its final passage."

The present status of the matter is that there exists a committee of this Society, charged by it with the duty of perfecting the plan and urging the establishment of such a Board. And by a resolution of this Society, adopted last year, the county societies were requested to appoint committees to coöperate in the work.

Now I do not undervalue the thought and labor that have been expended on this subject, nor do I question that it has been the earnest desire of those who have advocated the proposed plan to advance the best interests of the profession. But I have the gravest doubts as to the expediency or even the propriety of the course to which we are asked to commit ourselves, and which, indeed, has received the endorsement of this Society. And I feel constrained to invite your attention to this matter, in the hope that my earnest protest against what seem to me to be objectionable features of the law sought for may not be in vain.

The draft of the Act contains a provision that the State Medical Society shall submit to the Governor eighteen names, from which he shall select six; the gentlemen so chosen to go upon the State Board of Medical Examiners and Licensers. This Board is to con-

sist of nine members; and the other three are presumably to represent men not of the so-called regular profession. As those who call themselves homœopaths form the majority of these outsiders, this class is mainly to be considered. The idea is, therefore, to have a board, consisting of six regular physicians and three homœopathic physicians, to examine every person proposing to practise medicine, surgery, or obstetrics in the State, and to determine the question of his or her fitness so to do.

All persons licensed by this board would, therefore, go before the public with the endorsement of six regular physicians and three irregulars. The homœopath or the Thompsonian would point to his certificate and say, "You see that I have even more of the old school to guarantee me than I have of my own sect."

A board so constituted would be, in the eyes of the public, a standing evidence of the recognition of homœopathy as a branch of scientific medicine—of homœopathic practitioners as professional colleagues and brethren—of homœopathic professors as reliable teachers—of graduates of homœopathic colleges as men suitable to be entrusted with the care of life and health. No matter how elaborately this idea may be explained away, such is the view that the laity would take, by legitimate and logical deduction from the facts.

Scientific medicine would voluntarily assume a place as merely one of several systems; its followers would group themselves as simply a sect, more numerous, indeed, than the others, but claiming no higher standing.

I am well aware that the advocates of the proposed law point to the State Board of Health, and to the Anatomical Board, in both which bodies homœopaths hold positions alongside of our own men, without detriment. But I submit that the cases are not parallel. The Board of Health decides questions of hygiene; the Anatomical Board is a purely business organization. The Board of Examiners would exercise the function of empowering or refusing to empower men to assume the care of the lives and health of the community.

We are told that homœopathy is a fixed fact, that the community recognizes it, that the law recognizes it, and that we must also recognize it. If so, then in a question of science we are expected to bow to the judgment of the laity. We are expected to say to the community, "Well, gentlemen, since you think there is something in homœopathy, although our scrutiny of forty years has failed to

discover it, we will submit to your verdict." Suppose that a vote were taken throughout this State, and an immense majority of the people declared their faith in the dogma that "like cures like," would that alter our conviction as to scientific medicine?

I assert, without fear of contradiction, that homœopathy is at the present day no less a system of quackery than it was thirty years ago; that its followers are no more deserving of the respect of scientific men, nor any less disqualified from consultation with regular physicians, than when they were honestly trying to work out what they thought to be a theory in therapeutics. How little real belief they now have in their dogma, may be judged from the fact that the staff of a homœopathic hospital recently resigned in a body, because they were expected to employ only homœopathic remedies in the treatment of the patients in the wards.

But if this scheme of a mixed Board of Examiners were carried into effect, there would certainly result an anomalous condition of affairs. The licensees would all hold their certificates from one authorizing body; but those who were regulars could not consult with those who adhered to homœopathy, eclecticism, or Thompsonianism. Even if they ignored their points of difference, the Code of Ethics would stand in the way. The licensers themselves would not and could not consult with their own licensees who held opposite views. I do not say that such a state of things would give trouble, but I am sure that it exists wherever such a law is in operation, and equally sure that it is liable at any moment to bring the whole system of ethics into discredit in the eyes of the public.

No one outside of the profession could be expected to know or to remember that the subjects of therapeutics and principles and practice of medicine were not passed upon by the entire Board in regard to each and every candidate.

I have said that the popular mind will assume that the license of the Board is an endorsement to the homœopaths who receive it. But we are told that on the other hand the homœopathic members of the Board will guarantee the graduates in regular medicine, so that the benefit will, after all, be mutual. Will it indeed be so? Have we ever asked for the endorsement of homœopaths, eclectics, or Thompsonians? Shall we ask for it? On the day when scientific medicine stoops to that, let us tear up our diplomas, renounce our honorable professional title, and hide our diminished heads in any

occupations which call for neither principle nor intelligence in their pursuit.

But in Section V. of this proposed law, it is expressly enjoined that no one shall be excluded from examination, or rejected, because of his or her adhesion to a special system of practice.

This is what we ask for.

Yet in 1886, this Society, by an unanimous vote, adopted the following resolution :

"Resolved, That this Society reaffirms its adherence to the principles of the Code of Ethics of the American Medical Association, and declares that, in its opinion, for a physician to extend professional recognition to irregular practitioners, is to patronize and encourage irregular practice; and is alike inconsistent with honesty of purpose and the pursuit of medicine as a science."

And the code to which we thus declared our faithfulness, speaks in no uncertain tones :

"It is not in accord with the interests of the public or the honor of the profession, that any physician or medical teacher should examine, or sign diplomas or certificates of proficiency for, or otherwise be specially concerned with, the graduation of persons who, they have good reason to believe, intend to support and practise any exclusive and irregular system of medicine."

I will not insult you by supposing, for a moment, that any one will quibble upon the word "graduation." But I maintain that, if the language of the code means anything at all, if it is not a mere empty form of words, it absolutely and distinctly forbids the entertaining of the scheme that has now been under discussion. I maintain that this Society must either reconsider its unanimous vote of 1886, and repudiate the faith affirmed in it, or must withdraw from its position in regard to this proposed law. There is no middle course, no other alternative, so long as the code contains the paragraph I have quoted.

It would be idle for me, after this statement, even to refer to several minor defects observable in this bill.

Permit me to say, in conclusion, that the idea of an examining board independent of the teaching colleges seems to me an admirable one. If it were practicable to secure the passage of a law establishing such a body, constituted of adherents of what we know as scientific medicine; to be concerned with the examination of

those alone who do not "intend to support and practise any exclusive and irregular system of medicine;" and to have the power of revoking any license conferred by them, upon proof of violation of this principle by the licensee, it would deserve the unqualified support of the profession.

Against the present scheme, I have felt it my duty to make this honest and earnest protest, and I ask only that it may receive your serious consideration.

APPENDIX.

It will be seen that in the foregoing paper I raised a plain question in ethics. I did not discuss the expediency of the proposed law, nor the interference involved in it with the chartered rights of the colleges. I quoted from the Code of Ethics a paragraph adopted in 1881, which expressly forbids the very thing which would be the function of the Board if established. Now, according to the By-Laws of the Society (Article I., Sect. 10), the Judicial Council is a body "whose duty it shall be to take cognizance of and decide all questions of an ethical or judicial character that may arise in connection with the Society." A similar by-law obtains in the American Medical Association.

I moved, therefore, "that the whole matter of the proposal to obtain the enactment of an Act to establish a State Board of Medical Examiners and Licensers be referred to the Judicial Council, for inquiry into the question of its conformity with the Code of Ethics."

Dr. S. S. Cohen objected to this resolution as out of order, stating that the question had already been twice decided by the State Society, and once by the American Medical Association. The President, with somewhat remarkable promptness, declared the point well taken.

From this decision I would have at once appealed, but for two reasons. One was that I supposed Dr. Cohen's statement to be based upon facts then unknown to me; the other, that a failure to carry my appeal would perhaps have precluded my bringing the matter up again.

But the Secretary of the State Society, who holds the same office in the American Medical Association, informs me that there exists no record of this question having been raised or discussed in either body. Hence, it is clear that Dr. Cohen's assertion had no real foundation, and that the question never had been decided in the way distinctly prescribed by the law.

Dr. Cohen's position and the ruling of the President would assume that the mere fact of action having been taken should be regarded as settling the question of the legality of such action, and should preclude inquiry with

regard to it. If this be correct, then the Society should, in consistency, have adopted the following resolution, offered by me the next day :

"Resolved, That it is the sense of this Society that the Code of Ethics may at any time be set aside by a majority vote of the American Medical Association ; that such action by the Association should be a sufficient warrant for like action by any State Society ; and that it is not in order for any member of such Society to call its attention to the fact of the violation or proposed violation of the Code, or to ask for consideration of the subject."

I did not suppose that any sane man would for a moment imagine that I offered this resolution with the intention that it should be adopted. I simply wanted to show the exact purport of the course into which the Society, by a dodge more ingenious than ingenuous, had been led.

I maintain that this matter now stands just where it did when the foregoing paper was read. Unless the Society by a vote expresses its sense that the question raised by me was not of sufficient importance, or was of too clear solution, to be referred to the Judicial Council, it must still so refer it. No other act of the Society, except to alter its laws, or to deny the Code of Ethics ; no act of its committee ; no Act of the Legislature, can settle this question in the only legitimate way.

If the Code of Ethics is effete, and the existing laws of the Society without force ; if ethical questions, honestly raised, are to be merely brushed aside as out of order, there are some of the profession who are old-fashioned enough to think that "something is rotten in the State of Denmark."

CODE OF ETHICS.

"It is not in accord with the interests of the public or the honor of the profession that any physician or medical teacher should examine or sign diplomas or certificates of proficiency for, or otherwise be specially concerned with, the graduation of persons who they have good reason to believe intend to support and practise any exclusive and irregular system of medicine."—*Duties of Physicians, etc., Art. 1, Sect. 2.*

PENNA. STATE MEDICAL SOCIETY.

"Resolved, That this Society reaffirms its adherence to the principles of the Code of Ethics of the American Medical Association, and declares that, in its opinion, for a physician to extend professional recognition to irregular practitioners, is to patronize and encourage irregular practice ; and is alike inconsistent with honesty of purpose and the pursuit of medicine as a science."—*Transactions, 1886, p. 20.*

PROPOSED BILL.

"The said State Board of Examiners and Licensers . . . shall exclude no one from examination nor reject him or her because of his or her adhesion to a special system of practice."—*Section V.*